

**Enrolled Minutes of the Eighty-fourth Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Plenary Meeting
Monday, March 11, 2019**

Study Session. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, March 11, 2019 6:40 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council reviewed and discussed the agenda of the imminent regular meeting.
2. The Town Council and the Clerk-Treasurer discussed the MCCi JustFOIA Software request for clarity regarding its utility.
3. The Town Council President indicated that for the Standing Study Session of Monday, March 18, 2019, he would like to add to the discussion a presentation from Humane Indiana regarding its Owls public art fundraising program and the issue of the G5 Cell Tower agreement presented by AT&T Indiana.
4. The Town Council discussed a communication from Renee Reinhart about concerns regarding the support for the Community Garden initiative of the Main Street Bureau of the Redevelopment Department.
5. The Town Council discussed with Mr. Dabrowski and representatives from Idea Factory budgetary needs for website security.

The study session ended at 6:59 O'clock p.m.

Regular meeting. The Twenty Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, March 11, 2019 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Steve Wagner presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with the Councilor Bernie Zemen reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner and Konnie Kuiper. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Esq., Town Attorney; John M. Bach, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation; and Kathy DeGuilio-Fox, Redevelopment Director, were present. William R. Timmer, Jr., CFOD, Fire Chief; and Kenneth J. Mika, Building were present at the outset of the meeting but were called to respond to a fire call.

Also present: Larry Kondrat of the Board of Waterworks Directors; and Ed Dabrowski IT Director (Contract) were also present.

Guests: Theresa Badovich and Robin Carlascio of the Idea Factory were also present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 25 February 2019 were approved by general consent.

Staff Reports: The following staff reports were received and filed.

• **Building & Inspection Report for February 2019**

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	6	0	6	\$435,750.00	\$6,501.00
Signs:	2	0	2	\$14,000.00	\$732.50
Single Family:	2	2	0	\$500,000.00	\$6,771.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	34	34	0	\$457,461.00	\$7,604.00
Garages:	1	1	0	\$11,000.00	\$357.00
Sheds:	0	0	0	\$0.00	\$0.00
Decks & Porches:	0	0	0	\$0.00	\$0.00
Fences:	2	2	0	\$8,035.00	\$251.50
Swimming Pools:	0	0	0	\$0.00	\$0.00
DrainTile/ Waterproofing:	2	2	0	\$27,615.00	\$501.50
Miscellaneous	21	21	0		\$2,824.50
TOTAL:	70	62	8	\$1,453,861.00	\$25,543.00
Electrical Permits	18	13	5		\$2,298.00
Mechanical Permits	9	6	3		\$941.00
Plumbing Permits	16	10	6		\$2,192.70
Water Meters	8	6	2		\$2,030.00
Water Taps	3	3	0		\$600.00
Sewer/Storm Taps	6	6	0		\$1,800.00
TOTAL Plumbing:	33	25	8		\$6,622.70

February Code Enforcement:

Investigations: 39
Citations: 01
Warnings: 00

February Inspections:

Building: 15 Electrical: 09 Plumbing: 06 HVAC: 04
Electrical Exams: 3

• **Fire Department Report for February 2019**

Type of Call	Month	2 nd half of year
General Alarms	17	36
Paid Still Alarms	31	56
Still Alarms	05	15

Total Alarms: 53 107

• **Workplace Safety Report for February 2019**

There was one workplace incident to report in February. The following report was filed.

Department	Injuries this Month	Year to Date 2019	Total in 2018	Restricted Days 2019	Lost Workdays This Year (2019)	Restricted Days Last Year (2018)	Lost Workdays Last Year (2018)
Parks	0	0	4	0	0	0	0
Fire	1	1	0	0	0	0	0
Police	0	0	3	0	0	0	0
Street	0	0	2	0	0	0	0
Water & Sewer	0	0	4	0	0	80	46
Maint.	0	1	1	14	2	0	0
Other	0	0	0	0	0	0	0
TOTALS	1	2	14	14	2	80	46

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Appointments:

• **Statutory Boards and Commissions**

*Executive Appointments (May be made in meeting or at another time)
(Appointments have been placed on agenda in case there is readiness to act)*

Home Rule Commissions

1. **Main Street Board of Directors. (1) Chamber of Commerce Representative (currently vacant) Term:** Coterminous with chamber membership; **Economic Development Commission Representative (currently vacant) Term:** Coterminous with EDDC membership.

Councilor Vassar moved and Mark Herak seconded to authorize the appointment of **Kali Rasala**, 10020 Erie Place, Highland, as the Chamber of Commerce Representative to the Main Street Bureau Board. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The appointment was authorized.

The Town Council President, Steve Wagner announced his appointment of Ms. Rasala.

Legislative Appointments

Home Rule Commissions

1. **Main Street Board of Directors. (6) Six positions available with terms ending on 1st Monday in January 2021.**

Councilor Vassar moved to appoint **Ms. Aubry Valesquez**, owner operator of *Phree Hair Care Salon & Spa*, 2945 Jewett Street, Highland. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Valesquez was appointed.

Unfinished Business and General Orders:

- 1. Proposed Enactment No. 2019-13:** An Enactment to Authorize and Approve a Replacement Warrant (Check) and Payment to a Payee, Whose Previously Issued Warrant, Lawfully Issued, has not Been presented for Redemption, Remains Unpaid Now for a Period of Two or More Years as of December 31, 2018 and Pursuant to IC 5-11-10.5-2, is Void and Cannot Be Honored.

Councilor Herak introduced and moved the consideration of Enactment No. 2019-13 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of introduction.

Councilor Herak moved the passage and adoption of Enactment No. 2019-13 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of introduction.

**THE TOWN of HIGHLAND
ENACTMENT NO. 2019-13**

AN ENACTMENT TO AUTHORIZE AND APPROVE A REPLACEMENT WARRANT (CHECK) AND PAYMENT TO A PAYEE, WHOSE PREVIOUSLY ISSUED WARRANT, LAWFULLY ISSUED, HAS NOT BEEN PRESENTED FOR REDEMPTION, REMAINS UNPAID NOW FOR A PERIOD OF TWO OR MORE YEARS AS OF DECEMBER 31, 2018 AND PURSUANT TO IC 5-11-10.5-2, IS VOID AND CANNOT BE HONORED.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

WHEREAS, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, I.C. 36-1-3-4 (b) further provides that a unit has all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs even though not granted by statute;

WHEREAS, I.C. 36-1-3-4 (c) still further provides that the omission of a power from any list of powers set forth in statutes does not imply that a unit lacks that power;

WHEREAS, I.C. 5-11-10.5-2 still further provides that all warrants or checks drawn upon public funds of a political subdivision that are outstanding and unpaid for a period of two (2) or more years as of the last day of December of each year are **void** ... no institution may honor, cash, or accept for payment or deposit any such warrant or check which may be presented for payment and which has been issued and outstanding for a period of two (2) or more years as of the last day of December of any year;

WHEREAS, The serving, acting and duly elected secretary of the Police Pension Board of Trustees, was advised by the Town Clerk-Treasurer of a warrant payable to the secretary, dated December 29, 2016, made in consequence of his travel related expenses incurred and reimbursed pursuant to the travel policy of the municipality and IC 36-8-6 et seq., in the amount of four hundred sixty-two dollars and fifty-one cents (\$462.51) was undeposited and unnegotiated for a period of two or more years as of December 31, 2018 and therefore was included on the list required to be generated pursuant to IC 5-11-10.5-3;

WHEREAS, The Town Clerk-Treasurer further advised the serving, acting and duly elected secretary of the Police Pension Board of Trustees, Mr. Kenneth Balon, that he may either present the void warrant with a request for its reissue or if he cannot locate the void warrant, request in writing that the original claim supporting its payment be located and the warrant be replaced;

WHEREAS, Mr. Kenneth Balon, not being able to locate the void warrant, communicated through electronic mail a request to the Clerk-Treasurer and the Town Council that the void warrant be replaced if possible;

WHEREAS, Section §2.35.030 of the Highland Municipal Code provides in pertinent part that the Town Council is authorized to budget and appropriate funds to pay the expenses incurred in promoting

the best interests of the town and that such expenses may include, but not necessarily be limited to those expenses of civic or governmental nature deemed by the Town Council to be in the interests of the Town; and

WHEREAS, The Town Council has reviewed the matter, and in the interest of goodwill, comity and in the interest of Town, now desires to make an elective payment to Kenneth Balon,

NOW, THEREFORE, IT IS HEREBY ENACTED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the Town Council hereby finds and determines:

(A) That a warrant was drawn on the Police Pension Fund of 1925 of the Town of Highland, numbered 26315, dated 29 December 2016, payable to Mr. Kenneth E. Balon, made in consequence of his travel related expenses incurred as secretary of the police pension board of trustees and reimbursed pursuant to the travel policy of the municipality and IC 36-8-6 et seq., in the amount of four hundred sixty-two dollars and fifty-one cents (\$462.51);

(B) That IC 5-11-10.5-2, reads: "*All warrants or checks drawn upon public funds of a political subdivision that are outstanding and unpaid for a period of two (2) or more years as of the last day of December of each year are void. No individual, bank, trust company, building and loan association, or any other financial institution may honor, cash, or accept for payment or deposit any such warrant or check which may be presented for payment and which has been issued and outstanding for a period of two (2) or more years as of the last day of December of any year;*"

(C) That the warrant, forgotten by the payee and recalled only when advised by the Clerk-Treasurer of the warrant's listing on the so-called stale-dated warrant report, is misplaced and pursuant to the terms of IC 5-11-10.5-2, the (warrant) cannot be honored as it became void effective after December 31, 2018;

(D) That Mr. Kenneth Balon, not being able to locate the void warrant, presented through electronic-mail a request to the Clerk-Treasurer and the Town Council, asking that the void warrant be replaced if possible;

(E) That the original claim supporting the void and misplaced warrant is in the possession of the Clerk-Treasurer and the policies under which the expenses were originally paid are still in full force and effect with the rationale for the expenses from public business related travel to be reimbursed intact;

(F) That Mr. Kenneth Balon declares that he cannot locate the now void check and was in fact not reimbursed for the costs he incurred in consequence of public business related travel, including costs for lodging, meals (taxable), parking and mileage;

Section 2. That in the interest of goodwill, comity, and workforce relations, the Town Council now authorizes and approves the issuance of a *replacement check (warrant)*, drawn upon the proper fund and account, in the amount of four hundred sixty-two dollars and fifty-one cents (\$462.51);

Section 3. That the Town Council hereby still further finds and determines that such an expense promotes the best interests of the town, is an expression of goodwill and comity, is an *elective measure* of the legislative body and should not be construed as an action that is in response to any express provision of statute and is a lawful fully elective and singular expense, not creating a precedent or creating any duty;

Section 4. That the Town Council hereby still further directs that before the check or warrant authorized by this enactment be presented or remitted, the following:

(A) That an original rendering of this enactment be affixed to the original claim, with such enactment to serve as an invoice pursuant to IC 5-11-10-1.6(b);

(B) That the claim and payment authorized by this enactment still must comply with and conform to the requirements set forth under IC 5-11-10-1.6(c); and,

(C) That if the Town Attorney so advises or directs, the payee shall sign an appropriate hold-harmless agreement as prepared by the Town Attorney, before release of the replacement warrant authorized by this enactment;

Section 5. That the Clerk-Treasurer is hereby authorized to take such other steps he deems necessary or desirable that are lawful to carry-out the purposes and provisions of this enactment.

Introduced and Filed on the 11th day of March 2019. Consideration on same day or at same meeting of introduction experienced a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 11th Day of March 2019 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, Lake County, INDIANA**

/s/Steve Wagner, President (IC 36-5-2-10)

Attest:

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

2. **Action to approve appointment or employment of full-time employee, pursuant to Section §3.03 of the Compensation and Benefits Ordinance.** *Operations Director recommends the following:*

(A) *The hiring of Jacob Dennison, to the full-time position of Utility Worker/Driver C in Public Works Department (Agency) at a rate of pay of \$15.86 per hour. This will not increase the full-time workforce greater than the authorized work force strength.*

Councilor Zemen moved to approve the appointment and hiring of Jacob Dennison to the full-time position of Utility Worker/Driver C in the Public Works Department (Agency) at the stated rate of pay. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Mr. Dennison was hired.

3. **Works Board Order No. 2019-04: An Order Of The Works Board Authorizing The Clerk-Treasurer To Execute An Agreement With MCCi, LLC to Acquire Software Licensing And Implementation Services For Open Records Requests Tracking Systems For The Governmental Offices, Departments And Associated Utilities Of Town Of Highland.**

Councilor Herak moved the passage and adoption of Works Board Order No. 2019-04. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

TOWN OF HIGHLAND
Order of the Works Board No. 2019-04

AN ORDER OF THE WORKS BOARD AUTHORIZING THE CLERK-TREASURER TO EXECUTE AN AGREEMENT WITH MCCi, LLC TO ACQUIRE SOFTWARE LICENSING AND IMPLEMENTATION SERVICES FOR OPEN RECORDS REQUESTS TRACKING SYSTEMS FOR THE GOVERNMENTAL OFFICES, DEPARTMENTS AND ASSOCIATED UTILITIES OF TOWN OF HIGHLAND.

WHEREAS, The Office of the Clerk-Treasurer has determined a need to acquire software licensing and implementation services to manage access to public records acts requests, tracking and documentation systems for the governmental offices, departments and associated utilities of Town of Highland;

WHEREAS, The Clerk-Treasurer in consultation with the IT Director (Contact) searched for software vendors deemed able to provide *according to the municipality's reasonable requirements*, high quality software licensing and implementation services to manage access to public records acts requests, tracking and documentation systems that would optimize compliance with the Access to Records Act, allow persons to better communicate requests to the proper department most likely to produce a desired record, provide greater flexibility, and support certain transparency objectives related to financial, budgetary and contract information, according to the municipality's reasonable requirements;

WHEREAS, A qualified and desirable vendor, whose platform is compatible with existing document management software, *Laserfiche*, that vendor being *MCCi, LLC*, known to provide *according to the municipality's reasonable requirements* high quality software licensing and implementation services to manage access to public records acts requests, tracking and documentation systems that would optimize compliance with the Access to Records Act, allow persons to better communicate requests to the proper department most likely to produce a desired record, provide greater flexibility, and support certain transparency objectives related to financial, budgetary and contract information, and support certain transparency objectives related to financial, budgetary and contract information, with its specific product called "**JustFOIA**;"

WHEREAS, The Clerk-Treasurer recommends, *MCCi, LLC*, and its specific product styled "**JustFOIA**" for the purposes stated herein;

WHEREAS, Section 3.05.030 (A) of the Highland Municipal Code provides that the Town Council as the Works Board of the municipality, shall serve as the purchasing agency for the municipality and its executive departments;

WHEREAS, Section 3.05.030 (B) of the Highland Municipal Code further provides that the Town Council as the Works Board of the municipality, may act *in the stead of the board of directors of the waterworks and the board of sanitary commissioners* when any purchase involves materials or supplies that will be purchased at a shared cost or will be jointly used by the civil government and the utilities; and

WHEREAS, Section 3.05.050 (D)(9) of the Highland Municipal Code still further provides that the Clerk-Treasurer or his/her designee is the purchasing agent for the Office of the Clerk-Treasurer and all executive departments of the municipality;

WHEREAS, The acquisition price is not greater than \$15,000 and is not for services for a period in excess of a year and under HMC Section 3.05.050 (B) (1) does not require the express approval of the purchasing agency; however, it is desirable to have the approving action of the Town Council as the purchasing authority nevertheless so that future renewals of the approved software could be exercised by the proper purchasing agent pursuant to HMC Section 3.05.050(B)(5); and,

WHEREAS, The Town Council, acting as the Works Board for the Town of Highland now desires to approve and authorize the proposal presented by MCCi, LLC for its software called "JustFOIA" and to further authorize the Clerk-Treasurer to complete the purchase pursuant to the terms stated herein,

NOW, THEREFORE, BE IT HEREBY ORDERED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA ACTING AS THE WORKS BOARD OF THE MUNICIPALITY AS FOLLOWS:

Section 1. That the proposal from MCCi, LLC for its software called "JustFOIA," issued on February 26, 2019, to provide *according to the municipality's reasonable requirements*, high quality **software licensing and implementation services to manage access to public records acts requests, tracking and documentation** systems that would **optimize compliance with the Access to Records Act, allow persons to better communicate requests to the proper department most likely to produce a desired record**, provide greater flexibility, support certain transparency objectives related to financial, budgetary and contract information, **with its specific product called "JustFOIA"**, is hereby approved in all respects;

Section 2. That the Town Council as the works board, hereby finds and determines the following:

- That the purchase for these services qualifies as a small purchase, valued at less than \$50,000 and therefore may be purchased in the open market, pursuant to HMC Section 3.05.060(G)(1);
- That the purchase for these services qualifies as a special purchase, as the vendor constitutes a single source that meets the municipality's reasonable requirements for software and data processing, as well as the software is compatible with existing document management software and thereby eligible for special purchasing methods, pursuant to Section 3.05.060(H) and (I) of the Highland Municipal Code and I.C. 5-22-10;

Section 3. That the following fees and services as set forth in the agreement with MCCi, LLC for its software called "JustFOIA," issued on February 26, 2019, which is attached and incorporated herein by reference are hereby found and determined to be reasonable and fair, are approved as follows:

(A) For Annual licensing and Laserfiche integration, fees and charges annually are set forth for **JustFOIA** Population Tier 2: 10k-30k, annually cost three thousand, eight hundred fifty dollars (\$3,850.00) plus the integration fee Seven hundred seventy dollars (\$770.00) for an annual total of Four thousand, six hundred twenty dollars **(\$4,620.00)**;

(B) For acquisition and start-up training, and implementation one-time fees are set forth as Two thousand dollars (\$2,000) plus, Laserfiche integration of five hundred dollars (\$500) for a total one-time expense of two thousand, five hundred dollars **(\$2,500.00)**;

(C) For the services described in subdivisions (A) and (B) the total cost to the Town being the sum of Seven thousand, one hundred twenty dollars (\$7,120.00) all being due in first year;

Section 4. That the foregoing fees and terms forth in the agreement in the agreement with MCCi, LLC for its software called "JustFOIA," issued on February 26, 2019, which is attached and incorporated herein by reference are hereby found and determined to be reasonable and fair, and are approved;

Section 5. For all fees herein described, there exists an appropriation sufficient to support the execution and purchase of the services described herein as required HMC Section 3.05.040(E);

Section 6. That the Clerk-Treasurer as purchasing agent is authorized to execute such documents, as may be necessary or desirable to carry out the purposes of this order.

BE IT SO ORDERED

DULY, PASSED, ADOPTED, AND ORDERED by the Town Council of the Town of Highland, Lake County, Indiana this 11th day of March 2019 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of

HIGHLAND, INDIANA

/s/ Steven Wagner, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

EXHIBIT

Prepared For:
Highland, IN

Presented By:
Brian Meseroll

JustFOIA

Records Request Solution

Issued: February 26, 2019





CORPORATE OFFICE
Sales Department
1958A Commonwealth Lane • Tallahassee, FL 32303
Phone (800) 342-2633 • Fax (850) 564-7496

BRIAN MESEROLL
Sales Associate
(850) 701-0725 ext. 1521
bmeseroll@mccinnovations.com

February 26, 2019

Mr. Michael Griffin
City of Highland
3333 Ridge Road
Highland, IN 46322

Dear Mr. Griffin:

I enjoyed speaking with you recently regarding our **JustFOIA** Open Records Request Tracking Solution. Pursuant to our discussion, we are pleased to enclose our Professional Services Proposal. While reviewing the proposal, please keep in mind the following features included with your JustFOIA subscription:

- **Hosted Solution:** JustFOIA is an affordable hosted solution. The application and associated data is hosted in the same secure data centers Municodes uses to house data for several thousand government clients. This ensures a minimal IT impact for our clients.
- **Unlimited Users:** No matter the number of people you have as part of your process, JustFOIA allows for unlimited users at no additional charge.
- **Correspondence:** JustFOIA handles Internal emails, emails to the requestor, templates, and even discussion threads all within the application.
- **Training:** MCCI offers user training along with administrative training as part of your new JustFOIA subscription.
- **JustFOIA Focus Group:** All of our clients are invited to participate in our ongoing JustFOIA Focus Group. A periodic meeting to review product development, solicit new ideas and share best demonstrated practices amongst other users from around the country.
- **Enterprise Capability:** JustFOIA offers options for managing a specific Department's Open Records Requests and can also be expanded to the Enterprise level.

Why invest in JustFOIA? We are confident that with the help of JustFOIA, you will experience:

- **Improved Citizen Engagement and Transparency:** Online form, along with automated receipt verification improves the requester experience.
- **Improved Efficiency:** With enhanced communication, automated notifications and reminders, fee tracking and management, request searching, reporting and improved work flow. Your records request process will be more efficient than ever.
- **Mitigated Risk:** Automated request tracking, activity and deadline management will help mitigate the risk of non-compliance.

If you have any questions concerning our proposal or desire additional information, please do not hesitate to contact me on our toll-free number. We appreciate your interest and hope that we will have the pleasure of working with you.

Sincerely,

Brian Meseroll
Sales Associate

JUSTFOIA IMPLEMENTATION

REMOTE CONFIGURATION - Configuration services are provided remotely. As part of the standard configuration services MCCI will work with the client to configure up to two records request intake processes, unlimited users, as well as the departments, and security rights. The configuration of all forms and processes are to be completed as part of the initial project; if the client desires to take advantage of configuring a second process, it must be done as part of the initial configuration services and prior to training. Subsequent form/process configurations and users will be configured by the client, or the client may contract with MCCI for additional services.

REMOTE TRAINING - JustFOIA is a simple and easy to use solution, therefore all training is provided remotely. One remote user training session is included for each form process that is being configured. In addition, one administrative training is included for the organization. All training is conducted in a train the trainer format. Onsite live training can be conducted at a negotiated rate.

JUSTFOIA LICENSING AND FEATURES - JustFOIA is an open records request tracking solution. It allows you to record, track, fulfill, and report on the records request process. Below are the feature sets offered:

- Public Facing Form Site - Online public request form accessible through client's website.
- Email Notifications - Status and department updates, automated reminders as well as daily digest and alert notifications.
- Correspondence - Emails can be generated within the system and tracked under the specific request. Emails can be custom created or through pre-configured templates. In addition, other forms of correspondence related to a request can be tracked (phone calls, letters or in person conversations).
- Fee Tracking - Track fees, due dates, and payments.
- On-Premise Archival - Export capabilities for archiving record request data locally.
- Proactive Status Reporting - Dashboard interface allows for immediate status update.
- Performance Metric Reports - Measure processing times by request type, department or user.
- Global Reporting - Measure performance for all departments and request types.
- Configurable Intake Form - Client branded intake form that can be configured remotely or locally.
- Mobile compatible - Compatible with most cellular devices.
- Public Portal - Requesters can track their request through a secured private portal. Status updates, invoices and request documents can all be provided for the requester.
- Payment Portal (Optional) - Requestors can view or print the invoice and make partial or whole payments. This feature requires an account with Authorize.net, which is the third-party payment processor for this integration. Authorize.net handles all monetary transactions and sensitive credit card data.

HARDWARE/SOFTWARE REQUIREMENTS

JustFOIA is a completely web-based hosted solution and therefore has no server-side hardware components. End-user access is provided through a web interface, which means no client-side software is required. We test and support the following browsers: Microsoft® Internet Explorer® version 10 or higher; Google Chrome™, most recent stable version; Mozilla® Firefox®, most recent stable version; Apple® Safari® most recent stable version.

PROFESSIONAL SERVICES

We are fanatical about client success. Your time is limited, but with JustFOIA professional services, we are an extension of your organization, our qualified experts can assist with a successful implementation. Not sure which package fits your needs, we are here to help!

	STARTER	STANDARD	ENTERPRISE
Project Kickoff Call and Implementation Plan Identify milestones for successful implementation	✓	✓	✓
Process Analysis Review Conduct a remote information gathering session to understand, guide, and recommend process improvement		✓ Up to 2 Sessions	✓ Up to 6 Sessions
Project Plan Reviews Detailed weekly project updates		✓	✓
User Configuration Establish and configure initial user security credentials and roles	✓ Up to 25 Employees	✓ Up to 50 Employees	✓ Up to 100 Employees
Process Configuration Based on client-supplied requirements, we will configure business process forms, workflow statuses, departments, and holidays	✓ Up to 2 Processes	✓ Up to 4 Processes	✓ Up to 6 Processes
Template Configuration Configure email templates and requestor web pages related to the process	✓ 1 Template	✓ Up to 4 Templates	✓ Up to 10 Templates
On-Site Project Management Facilitate a successful implementation and training session			✓ Up to 2 Days
Support Technical support through user testing before going live	✓	✓	✓
Remote Administrative Training Remote administrative training up to two-hour sessions. Recording available for viewing	✓ 1 Session	✓ Up to 2 Sessions	✓ Up to 3 Sessions
Remote User Training Remote user training up to two-hour sessions, including a recorded version.	✓ Up to 2 Sessions	✓ Up to 4 Sessions	✓ Up to 6 Sessions
	\$2,000.00	\$4,500.00	\$9,500.00

MCCI SUPPORT

When you become a client of MCCI, you gain much more than just a new product. You gain a relationship between our staff and your organization to make your product implementation successful and the usage of your product an enjoyable experience. In order to make this possible, MCCI offers both proactive and technical support.

PROACTIVE SUPPORT

You will have already worked with your Account Executive in the pre-project phase and they will continue to support you. They will assist in pre-implementation processes and be a resource for you for questions and answer and be in touch throughout the year to discuss optimal system usage and ensure client satisfaction.

TECHNICAL SUPPORT

Your continued subscription to JustFOIA helps preserve your investment and extend the benefits of your original purchase by providing you access to the assistance needed. You have access to a toll-free line to call for technical support or submit tickets online through our support center. You receive the following benefits:

- Free software updates for your current solution
- Periodic User webinars
- Embedded System Help Files
- Technical bulletins and newsletters
- Email/Phone Support (see below)

MCCI does provide continued technical support for all MCCI applications. Technical support is provided via email or telephone during normal business hours of 8:00 a.m. to 8:00 p.m. Eastern Time. Clients can designate several individuals who are to be the technical support contacts. There is no limit on the number of technical support calls that can be made. Customers may contact MCCI support via the online support center, email (support@mccinnovations.com), or telephone (866-942-0464).

JUSTFOIA PRICING

To determine which services and products are included with your project, please refer to the Pricing Section below.

Subscription Annual Expense	Cost	Total
JustFOIA Population Tier 2: 10k - 30k	\$3,850	\$3,850
Laserfiche Integration	\$770	\$770
Setup and Training: One time Expense		
Starter* Up to 2 Business Processes, Security Configuration for Up to 25 Staff Members, Up to 3 hours of Remote User and Administrative training, and Configuration of 1 email template	\$2,000	\$2,000
Laserfiche Integration Configuration, Installation and configuration of JustFOIA plugin for Laserfiche. "Train the installer", up to 2 hours of remote assistance	\$500	\$500
Total Project Cost		\$7,120
<i>For budgetary purposes, the Client should include \$4,620.00 in annual budget for renewal of the items quoted above.</i>		

Your JustFOIA service includes up to 500 GB of data storage. While a vast majority of our clients do not go over this allotted amount, we do charge a fee of \$500 per 500 GB over the included amount of data storage. This fee is added to your yearly subscription.

PAYMENT & BILLING TERMS

MCCI will invoice one hundred percent (100%) of the subscription amount upon providing the Client online access to the JustFOIA service. Balance of total project will be invoiced upon completion of the proposed professional services. Sales Tax will be included where applicable. Payment will be due upon receipt of an invoice. The Client's annual subscription renewal date is set based on 30 days after contract is received.

JUSTFOIA ADD-ONS

ADOBE ACROBAT PRO PLUGIN

With the Adobe Acrobat Pro Plugin, you can easily upload documents you are working on in Adobe to a specific JustFOIA request. Use Adobe to create and edit documents, as well as to apply redactions and other features available in the Adobe software. When you are ready, you simply click on the JustFOIA button in the menu bar and uploading that document to JustFOIA is as easy as picking the request number. In order to utilize this plugin, your organization will need to have Acrobat Pro available to the user.

LASERFICHE INTEGRATION

Our Laserfiche integration makes it easy to leverage the power of Laserfiche to help fulfill records requests. Do all of your searching, editing, and redaction in Laserfiche. Then with a click of the JustFOIA menu button send selected documents directly into the response documents of the specific JustFOIA request you choose. This integration makes it more seamless to use Laserfiche and JustFOIA together to complete records requests. In order to utilize this integration, each user will need a full Laserfiche license.

PAYMENT PORTAL

This feature requires an account with Authorize.net, which is the third-party payment processor for this integration. Authorize.net handles all monetary transactions and sensitive credit card data. JustFOIA integrates with Authorize.net to give you the ability to collect payments from requestors online. The requestor goes to your site and enters in the request number/security key and is able to see any fees that they owe. If they owe fees, they are able to pay through a secure authorize.net site. Once they pay, you can make their request documents available for immediate download.

TERMS AND CONDITIONS

MCC, a Limited Liability Company, which is duly organized and existing under the laws of the State of Florida, hereinafter referred to as MCC, hereby offers the JustFOIA solution according to the following terms and conditions.

JUSTFOIA SUBSCRIPTION

MCC is the developer and hosting provider for JustFOIA. An active subscription is required to access the solution. The official subscription date is established on the date MCC grants initial access to JustFOIA. Adjustments in annual subscription rates may be made to coincide with current U.S. inflation rates – any increase will not exceed the cumulative increase in the Consumer Price Index (CPI) occurring since the last price increase. All subscriptions are prepaid and non-refundable.

JUSTFOIA IS AVAILABLE "AS-IS"

Though we want to provide a great service, there are certain things about the service we cannot promise. For example, the services and software are provided "as is", at your own risk, without express or implied warranty or condition of any kind. We also disclaim any warranties of merchantability or fitness for a particular purpose. JustFOIA will have no responsibility for any harm to your computer system, loss or corruption of data, or other harm that results from your access to or use of the Services or Software. Some states do not allow the types of disclaimers in this paragraph, so they may not apply to you.

LIMITED LIABILITY

Notwithstanding anything in this Agreement to the contrary, MCC's total liability to the client for any and all claims, damages, or liability arising out of or related in any way to this agreement or the products or services being provided by MCC to Client shall be strictly limited to the project fees paid to MCC by the Client for the preceding 12-month period immediately preceding the event giving rise to the claim by the Client, and shall also be limited to the fees paid to MCC for the particular service/product that the Client's claim was caused by or arose out of.

Due to the intended use of JustFOIA being focused on "Open Records" Requests, MCC assumes that only public and non-confidential data will be uploaded to the solution, and the full Terms of Use are accessible on the home page of the JustFOIA solution.

INDEMNIFICATION

If MCC or our affiliates (owners or partners), or any of our or their respective employees, agents, or suppliers (the "Indemnitees") is faced with a legal claim by a third-party arising out of your actual or alleged gross negligence, willful misconduct, violation of law, failure to meet the security obligations required by the Agreement, or violation of your agreement with your customers or end users, then you will pay the cost of defending the claim (including reasonable attorney fees) and any damages award, fine or other amount that is imposed on the Indemnitees as a result of the claim. Your obligations under this subsection include claims arising out of the acts or omissions of your employees or agents, any other person to whom you have given access to the Services, and any person who gains access to the Services as a result of your failure to use reasonable security precautions, even if the acts or omissions of such persons were not authorized by you. You must also pay reasonable attorney fees and other expenses we incur in connection with any dispute between persons having a conflicting claim to control your account with us or arising from an actual or alleged breach of your obligations to them.

FORCE MAJEURE

Neither party shall be liable for any delay or failure in performance due to causes beyond its reasonable control.

CLIENT FINANCIAL SOLVENCY/BANKRUPTCY

MCC may require payment in advance for products and services in response to learning of financial solvency or bankruptcy issues.

NO HIRE CLAUSE

Client and MCC agree that during the period that this agreement is in force, including extensions or modifications thereto, and for an additional 12 months following this period, neither Client nor MCC will actively recruit, or solicit employees or independent contractors of either company, or the employees of any of the other Subcontractors; who are on active payroll status and are currently participating in this Program, without the prior written approval of the party whose employee or independent contractor is being considered for employment. This does not prohibit any employee from responding to or pursuing employment opportunities through normal media channels, i.e. newspapers, professional journals, etc. so long as it is not related to this particular program and that it is not an attempt to avoid the intent of the above restriction.

If, during the term of, or within (12) months after the termination of the performance period of this agreement, client hires directly, or indirectly contracts with any of MCC's personnel for the performance of systems engineering and/or related services hereunder, client agrees to pay MCC 125% of the fees paid to, or in favor of such personnel for one (1) year after such personnel separates from service with MCC.

TERMINATION

The services provided in this agreement will be in full force and effect for a period of three (3) years from the execution date of the agreement, or from the initial software/maintenance subscription date (applicable only when such components are included). Thereafter, this agreement will be automatically renewed from year to year, provided that either party may alter or cancel the terms of this agreement upon 60 days written notice.

USE OF BASECAMP

Through the course of this project, MCC may choose to utilize the third-party service Basecamp (<http://www.basecamp.com>) for project management and team collaboration. Documentation and correspondence exchanged between MCC and The Client may be stored in Basecamp. The Client acknowledges that Basecamp is responsible for secure storage of this documentation, and agrees that Basecamp's security guidelines located at <https://basecamp.com/security> are acceptable for the storage of The Client's data and correspondence exchanged with MCC.

PROFESSIONAL SERVICES RESCHEDULING/CANCELLATIONS

Travel Expenses: If the client cancels or reschedules an installation after MCC has made travel arrangements, travel expenses may be incurred due to circumstances such as non-refundable airline tickets, hotel reservations, rental cars, etc.

Site Preparation: The Client site should be ready for installation according to specifications outlined within the Hardware section. If site is not prepared and results in cancellation, delays, or rescheduling of an installation after MCC has made travel arrangements, the client may incur expenses due to circumstances such as non-refundable airline tickets, training/install charges, hotel reservations, rental cars, etc.

Project Delays: Requests made by the client to cancel/reschedule delivery of services will cause a delay in delivery of the services and the overall project. The client understands that MCC will have to respect the timelines of other scheduled projects when rescheduling services due to a request made by the client.

OTHER CONTENT

The Services may contain links to third-party websites or resources. JustFOIA does not endorse and is not responsible or liable for third-party website availability, accuracy, the related content, products, or services. You are solely responsible for your use of any such websites or resources.

MARKETING & REFERENCES

Client agrees to allow MCC to publicly announce the client's selection of MCC for the specific solution(s), at the time of the client contracting with MCC. Additionally, upon the client providing written consent, MCC is authorized to publish and publicize testimonials and case study information pertaining to MCC's work with the Client. This information, including the Client's organization name, logo, and contact information will be used in all media types.

MCC SOFTWARE CONFIGURATION SERVICES

The customer may elect to contract with MCC to configure the software. The customer is responsible for testing all software configurations completed by MCC. By acknowledging this testing requirement, the customer waives any and all liability to MCC for any fees, damages, etc., that could be related to software configurations.

Comments or Remarks from the Town Council:
(For the Good of the Order)

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • IT Liaison • Liaison to the Board of Waterworks Directors • Liaison to the Community Events Commission.*

Councilor Zemen acknowledged the Redevelopment Director who offered the following events and dates that have been established for the year to promote the Downtown.

Car Cruise	June 1
Last Call for Summer	August 10
Festival of the Trails	October 5

Councilor Dan Vassar: *Liaison to the Park and Recreation Board.*

Councilor Vassar acknowledged the Parks and Recreation Superintendent who reported the recently hosted JV Softball tournament hosted by the department.

With leave from the Town Council, Councilor Vassar engaged in a colloquy with the Public Works Director regarding the status of the annual paving plan.

- **Councilor Mark Herak:** *Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Herak acknowledged the Public Works Director who offered a brief report regarding the review of the solid waste management bid for solid waste collection.

With leave from the Town Council, Councilor Herak engaged with the Public Works Director regarding potholes and whether cold patching could be performed in a better way.

- **Councilor Konnie Kuiper:** *• Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper had no report or comments.

- **Councilor President Steve Wagner:** *Town Executive • Chair of the Board of Police Pension Trustees • Advisory Board of Zoning Appeals Liaison.*

The Council President acknowledged the Building Commissioner who offered a survey of matters pending before the Advisory Board of Zoning Appeals.

Comments from Visitors or Residents:

1. Brendon Dothager, 8021 Glenwood Avenue, Highland, noting he was the Democratic Precinct committeeman for his neighborhood, presented a letter with exhibits written by him relaying an incident within the Highland Democratic Precinct Organization. Mr. Dothager noted that without his knowledge, a police report was filed by the Democratic Chairperson complaining about him. Copies of the letter were presented to each member of the Town Council and the Clerk-Treasurer.

(The letter with exhibits will remain on file with the correspondence of the Town for the period required by the Access to Records Act and the relevant retention schedule)

Mr. Dothager asked that the Town Council consider passing an ordinance that required that the subject of a police report be notified that such a report has been filed. Mr. Dothager expressed displeasure at having such a record generated with him as the subject without notifying him.

Mr. Dothager further challenged the veracity of the report.

2. Jeanine Harrison, 8802 Johnston Street, Highland, spoke in support of Mr. Dothager. She said that the report was a "misstatement" regarding Mr. Dothager's conduct.
3. Larry Kondrat, 8115 Fourth Place East, Highland, expressed concerns regarding the announced Community Garden Project to be undertaken by the Main Street Bureau, suggesting that a community garden exists at the First Christian Church, 9540 5th Street, Highland and that the current zoning code prohibits community gardens being located within a mile of each other.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Vassar moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period February 26, 2019 through March 11, 2019. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, the payroll dockets described were ratified, payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$208,042.98; Motor Vehicle Highway and Street (MVH) Fund, \$58,951.25; Federal Forfeited and Seized Assets Fund, \$914.00; Law Enforcement Continuing Education and Training and Supply Fund, \$1,061.99; Capital Projects Retainage Fund, \$14,347.17; Flexible Spending Account Agency Fund, \$816.24; Insurance Agency Fund, \$172,250.08; Information Communications Technology Fund, \$6,609.36; Police Pension Fund, \$95.00; Municipal Cumulative Capital Development Fund, \$5,488.06; Traffic Violations and Law Enforcement Agency Fund, \$4,000.00; Gaming Revenue Sharing Fund, \$10,249.03; Total: \$482,825.16.

Payroll Docket for payday of February 1, 2019:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$15,798.51; Building and Inspection Department, \$8,618.01; Metropolitan Police Department, \$114,715.44; Fire Department, \$4,014.94; Public Works Department (Agency), \$93,725.36 and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$236,872.26.

Payroll Docket for payday of February 15, 2019:

Council, Boards and Commissions, \$8,429.12; Office of Clerk-Treasurer, \$15,533.99; Building and Inspection Department, \$9,691.15; Metropolitan Police Department, \$120,036.51; Fire Department, \$4,164.22; Public Works Department (Agency), \$73,333.85 and 1925 Police Pension Plan Pension Fund, \$69,548.03; Total Payroll: \$302,736.87.

Payroll Docket for payday of March 1, 2019:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$15,887.50; Building and Inspection Department, \$8,480.02; Metropolitan Police Department,

\$114,142.78; Fire Department, \$3,735.04; Public Works Department (Agency), \$78,145.88 and 1925 Police Pension Plan Pension Fund, \$69,548.03; Total Payroll: **\$220,391.22.**

Adjournment of Plenary Meeting. Councilor Vassar moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, March 11, 2019 was adjourned at 7:32 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer

Approved by the Town Council at its meeting of _____, 2019.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer